

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

BENJAMIN COXON,

Plaintiff,

v.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS, et al.,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

1:23-CV-1028-DII

**ORDER**

Before the Court is the report and recommendation from United States Magistrate Judge Mark Lane concerning Plaintiff Benjamin Coxon’s (“Plaintiff’s”) complaint pursuant to 28 U.S.C. § 1915(e). (R. & R., Dkt. 32). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Lane issued his report and recommendation on September 28, 2023. (*Id.*). As of the date of this order, Plaintiff has not filed objections to the report and recommendation.<sup>1</sup>

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge’s proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. When no objections are timely filed, a district court can review the magistrate’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

---

<sup>1</sup> Plaintiff filed a motion on October 9, 2023, (Dkt. 38), that mentions the report and recommendation, but fails to object to any portion of it in an understandable manner. At most, it appears to be an attempt to amend the complaint. However, the motion continues to assert “fantastic or delusional scenarios” that do not state a valid claim for relief. Accordingly, amendment would not overcome the magistrate judge’s finding of frivolousness.

Because Plaintiff has not filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of the United States Magistrate Judge, (Dkt. 32), is **ADOPTED**. Plaintiff's amended complaint, (Dkt. 6),<sup>2</sup> is **DISMISSED WITH PREJUDICE**.

**IT IS FINALLY ORDERED** that the Clerk's Office mail a copy of this Order to Plaintiff via certified mail.

**SIGNED** on October 20, 2023.

A handwritten signature in blue ink, appearing to read 'Rob Pitman', is written above a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE

---

<sup>2</sup> Plaintiff has filed numerous amended complaints on a near-daily basis since this litigation began. The Federal Rules permit a party to amend their complaint only once before the party must seek leave from the Court. Fed. R. Civ. P. 15(a). As such, Plaintiff's first amended complaint, (Dkt. 6), remains the live pleading.